

COMMUNITY RIGHT TO KNOW STATE AND FEDERAL COMPLIANCE GUIDE



New Jersey Department of Environmental Protection
Office of Pollution Prevention and Right to Know

EMERGENCY PLANNING NOTIFICATION

1. WHO IS COVERED?

Every facility, regardless of private or public sector status or the number of employees, is subject to the requirement.

2. WHAT MUST BE DONE?

Every facility owner/operator is obligated to review the Extremely Hazardous Substance List* and determine if any of the substances are present onsite at or above their assigned threshold planning quantities. If one or more of the substances are present, the State Emergency Response Commission (SERC) and local emergency planning committee (LEPC) must be notified.

3. HOW SHOULD NOTIFICATION BE DONE?

A letter should be sent to both the SERC and the LEPC giving the company name and location address (not mailing address, if different from location); an emergency contact person at the facility, with both a work phone number and an after hours phone number; and the substance(s) present onsite that meet the threshold planning quantities.

4. WHEN SHOULD THIS NOTIFICATION BE DONE?

Under the Federal Emergency Planning and Community Right to Know Act (EPCRA), Superfund Amendments and Reauthorization Act (SARA) Title III (42 U.S.C. 11011 et seq.) deadlines were established for fulfilling this requirement. The dates have passed, but it is important for facility owner/operators to meet the obligation of reviewing the Extremely Hazardous Substance List and notifying the SERC and the respective LEPC about having any of the substances at the threshold planning quantities, present at their facilities.

5. WHERE SHOULD THIS NOTIFICATION BE DONE?

Both the State Emergency Response Committee (SERC) and the respective local emergency planning committee (LEPC) should be notified. The notification may be sent to the SERC at the following address:

New Jersey Department of Environmental Protection
Office of Pollution Prevention and Right to Know
ATTN: 302 Notification
22 South Clinton Avenue
P.O. Box 405
Trenton, N.J. 08625-0405

6. WHY MUST THIS REPORTING BE DONE?

The Superfund Amendments and Reauthorization Act (SARA) Title III (42 U.S.C. 11001 et seq.) requires emergency planning to be done by every LEPC, and the notification process is one of the primary requirements for development of these plans.

*The Extremely Hazardous Substance List, (40 CFR 355 App. A) with thresholds, is contained in a USEPA publication entitled, "The List of Lists." A copy may be obtained at <http://www.epa.gov/swercepp> or by contacting the USEPA at 1-800-424-9346.

FOR FURTHER INFORMATION ABOUT THIS SECTION, CONTACT:

1. For a listing of local emergency planning committees, see :
<http://www.nj.gov/dep/opppe/crtk/appendix2lepc.pdf>. Please note that some recent LEPC changes may not be reflected in this list. If you have problems contact your LEPC, please contact the municipal government directly to obtain the latest information for that location.

New Jersey State Police
Office of Emergency Management
Division Headquarters
Box 7068 River Road
West Trenton, NJ 08628-0068
609/882-2000, ext. 2945

Example of Emergency Planning Notification Section 302

MY OWN LETTERHEAD COMPANY
100 Main Street
Hometown, New Jersey 08000-0100

DATE

N. J. Department of Environmental Protection
Office of Pollution Prevention and Right to Know
Attn: 302 Notification
22 South Clinton Avenue
P.O. Box 405
Trenton, NJ 08625-0405

ATTN: State Emergency Response Commission

My company is subject to emergency planning under Section 302 of EPCRA.

We have the following compounds above their threshold planning quantities.

1. Formaldehyde
2. Hydrazine
3. Phosphorous

Further , as required by Section 303 of Title III, I am notifying you that my emergency response coordinator is Mr. Paul Revere, Jr. and he can be reached at 609/555-4321 during work hours and at 609/555-6789 after business hours.

Sincerely,

M. Own
President

EMERGENCY RELEASE NOTIFICATION

1. WHO IS COVERED?

Every facility, regardless of private or public status or number of employees, is subject to this requirement.

2. WHAT MUST BE DONE?

Any accidental release of a known or suspected hazardous substance, regardless of quantity, must be reported immediately by the facility owner/operator. Also, a written follow-up notification must be submitted.

3. HOW SHOULD THESE NOTIFICATIONS BE DONE?

At the time of an accidental release or as soon as the facility operator becomes aware that a release has occurred, he or she must immediately notify the NJ Department of Environmental Protection (NJDEP) at the 24-hour hotline, 1-877-WARN DEP. Based on the responses to the NJDEP's questions, the NJDEP will explain what must be done next. If the release is either an Extremely Hazardous Substance or a CERCLA substance (see FURTHER INFORMATION) at its reportable quantity the facility operator must also notify the National Response Center, at 1-800/424-8802, and the local emergency planning committee (LEPC). If a facility operator is uncertain about the nature of a released substance, he or she should still contact the NJDEP hotline.

Written follow-up notifications should contain the following information: chemical name: whether the material is Extremely Hazardous or CERCLA substance; exact (if known) or estimated quantity of release; time and duration of incident; medium or media into which the release occurred; any known or anticipated health effects and advice regarding medical attention; precautions taken as a result of the release; and the name and phone number of the person who may be contacted for further information.

4. WHEN SHOULD THESE NOTIFICATIONS BE DONE?

Release notification must be done immediately. If a facility operator fails to report a release, he or she may be subject to penalties. Written follow-up notifications should be submitted no later than 30 days following the release incident.

5. WHEN SHOULD THESE NOTIFICATIONS BE MADE?

The actual telephone release notification(s) should be made as described in item #3 above.

Written follow-up notifications should be sent to:

NJDEP – Division of Responsible Party Site Remediation
Bureau of Communications & Response Services
P.O. Box 028
Trenton, NJ 08625-0028

Also, a copy of the follow-up notifications must be sent to the Local Emergency Planning Committee (LEPC). An alphabetical listing of the LEPC's is available from the Office of Pollution Prevention and Community Right to Know. See FURTHER INFORMATION about ordering a copy.

6. WHY MUST THESE NOTIFICATIONS BE DONE:

Both Superfund Amendments and Reauthorization Act (SARA) Title III (42 U.S.C. 11001 et seq.) and the New Jersey Spill Compensation and Control Act (N.J.S.A. 58: 10-23.11) require facility owner/operators to make emergency release notifications. Such notifications allow federal, state, and local authorities to quickly assess and determine the necessary and appropriate response to hazard incidents.

FOR FURTHER INFORMATION ABOUT THESE REQUIREMENTS:

1. The Extremely Hazardous Substance List and the CERCLA list, with thresholds, are contained in a USEPA publication entitled, "The List of Lists." A copy may be requested by calling the USEPA at 1-800/424/9346.

NJDEP Emergency Response Regional Offices

If a facility operator is unable to contact the NJDEP hotline but must report a release necessary to prevent loss of life, he/she should call the appropriate Emergency Response regional office. Only a case number issued by the hotline will satisfy the requirements for reporting. Notification to the Hotline must still be made as soon as possible.

REGION I

7 Ridgedale Ave.
Cedar Knolls, NJ 07927
973-631-6385 or 6387

COUNTIES: Bergen, Essex, Hudson, Hunterdon, Morris
Passaic, Somerset, Sussex, Union and Warren

REGION II

Horizon Center
Bldg. 300
Robbinsville, NJ 08691
609/584-4130

COUNTIES: Atlantic, Burlington, Camden, Cape May,
Cumberland, Gloucester, Mercer, Middlesex,
Monmouth, Ocean and Salem

COMMUNITY RIGHT TO KNOW – NEW JERSEY

1. WHO IS COVERED?

Employers in certain designated North American Industrial Classification System codes (NAICS codes) are subject to reporting under the New Jersey Worker and Community Right to Know Act. See FURTHER INFORMATION about who to contact for a list of covered NAICS codes.

2. WHAT MUST BE DONE?

Each covered employer must complete a hazardous substances inventory, reporting about substances produced, used, or stored at his or her facility. The report is called the Community Right to Know Survey.

3. HOW SHOULD THIS REQUIREMENT BE COMPLETED?

The New Jersey Department of Environmental Protection provides all covered employers with a survey package which contains the reporting forms, instructions, and the list of reportable substances. Upon receipt, employers should review their inventory to determine what hazardous substances are present at their facility. Even if no hazardous materials are used or stored, the first page of the Community Right to Know Survey must be completed and returned. If the employer is reporting substances, then the first and second pages of the survey should be completed and submitted.

4. WHEN MUST THE SURVEY BE COMPLETED?

Reporting is an annual requirement and is due each year on March 1. The employer should provide an inventory for the calendar year proceeding the due date. For example, a survey due March 1, 2006 should report inventory for 2005.

5. WHERE SHOULD THE COMPLETED SURVEY BE SENT?

The signed original is to be sent to the NJ Department of Environmental Protection. Photocopies are to be sent to designated county and municipal agencies and local police and fire departments. The Community Right to Know Survey package contains the addresses for the county and municipal agencies. Finally, it is very important to keep a copy for your files.

6. WHY MUST THIS REPORTING BE DONE?

The New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.) requires covered employers to prepare and submit a hazardous substance inventory report.

FOR FURTHER INFORMATION ABOUT THIS SECTION, CONTACT:

NJ Department of Environmental Protection
Office of Pollution Prevention and Community Right to Know
P.O. Box 405
Trenton, NJ 08625-0405
609/292-6714

COMMUNITY RIGHT TO KNOW - FEDERAL

1. WHO IS COVERED?

Federal facilities and private sector facility owner/operators who are subject to the US Occupational Safety and Health Administration's (OSHA) Hazardous Communication Standard* and meet certain threshold quantities for any substances which require a material safety data sheet (MSDS) in accordance with the Hazard Communication Standard.

2. WHAT MUST BE DONE?

Each covered facility operator must complete a hazardous substances inventory, reporting about the substances produced, used, or stored above certain thresholds at his or her facility. In New Jersey, the report is called the Community Right to Know Survey.

3. WHAT ARE THE THRESHOLD QUANTITIES?

Every product with an MSDS that was present onsite in quantities of 10,000 pounds or more. The exception to this is any Extremely Hazardous Substance** that was present onsite as its threshold planning quantity or 500 pounds, whichever is less.

4. HOW SHOULD THIS REQUIREMENT BE COMPLETED?

In New Jersey, any facility operator not in a North American Industrial Classification System code (NAICS) covered by the NJ Worker and Community Right to Know Act, but meeting the federal reporting requirements, should contact the NJ Department of Environmental Protection (NJDEP) to receive the Community Right to Know Survey. This is the form that should be used for inventory reporting.

5. WHEN MUST THE SURVEY BE COMPLETED?

Reporting is an annual requirement and is due each year on March 1. The facility operator should provide an inventory for the calendar year proceeding the due date. For example, a survey due March 1, 2004 should report inventory for 2003.

6. WHERE SHOULD THE COMPLETED SURVEY BE SENT?

The signed original is to be sent to the NJDEP. Photocopies are to be sent to the Local Emergency Planning Committee (LEPC) and local fire department. The Community Right to Know survey package contains the addresses for the county and municipal agencies. Finally, it is very important to keep a copy for the company's files.

*New Jersey employers who need information about the OSHA Hazard Communication Standard and its requirements, should contact either the regional office or one of the New Jersey area offices. See the listing included on the following page.

**The Extremely Hazardous Substance List, with thresholds (40 CFR 355 App. A), is contained in a US Environmental Protection Agency publication entitled, "The List of Lists." A copy may be obtained by calling USEPA at 1-800/424-9346.

7. WHY MUST THIS REPORTING BE DONE?

The Emergency Planning and Community Right to Know Act (EPCRA) (42 U.S.C. 11001 et seq.) requires the completion and submittal of hazardous substances inventory reports.

FOR FURTHER INFORMATION ABOUT THIS SECTION, CONTACT:

New Jersey Department of Environmental Protection
Office of Pollution Prevention and Community Right to Know
22 South Clinton Avenue
P.O. Box 405
Trenton, NJ 08625-0405
609/292-6714

OSHA AREA OFFICES

REGIONAL OFFICE

**US Department of Labor
Occupational Safety and Health
Administration Region 2
201 Varick Street, Room 670
New York, NY 10014
(212) 337-2378**

AREA OFFICES

Hunterdon, Middlesex, Somerset Union and Warren Counties:

Plaza 35, Suite 205
1030 St. George Avenue
Avenel, NJ 07001
(732) 750-3270

Atlantic, Burlington, Camden Cape May, Cumberland, Gloucester Mercer, Monmouth, Ocean and Salem Counties:

Marlton Executive Park
701 Rt. 73 South
Building 2, Suite 120
Marlton, NJ 08053
(856) 396-2594

Essex, Hudson, Morris and Sussex Counties:

299 Cherryhill Road, Suite 103
Parsippany, NJ 07054
973 263-1003

Bergen and Passaic Counties:

500 Rt. 17 South
Hasbrouck Heights, NJ 07604
(201) 288-1700

TOXIC CHEMICAL RELEASE REPORTING – FEDERAL

1. WHO IS COVERED?

Manufacturing facilities in North American Industry Classification (NAICS) codes 31-33, certain non-manufacturers, and federal facilities with 10 or more full time employees. These facilities must have manufactured, processed, imported or otherwise used any of more than 600 toxic chemicals and chemical groups during the previous calendar year, above federally mandated threshold quantities.

2. WHAT MUST BE DONE?

Each covered facility must report the releases of the listed toxic chemicals during previous calendar year, if any of those chemicals meet the threshold quantities. The report is called the Toxic Chemical Release Inventory (Form R). Facilities may be eligible to complete an alternate reporting form (Form A) if certain conditions are met.

3. WHAT ARE THE THRESHOLD QUANTITIES?

If any one of the regulated toxic chemicals or chemical groups (see Further Information for list of chemicals) was manufactured, processed, or imported during the previous calendar year above a cumulative quantity of 25,000 pounds, or otherwise used above a cumulative quantity of 10,000 pounds, that substance is reportable on the Toxic Chemical Release Inventory, except for persistent, bioaccumulative, toxic (PBT) substances that have lower thresholds.

4. HOW SHOULD THIS REQUIREMENT BE COMPLETED?

Facility operators must obtain the Toxic Chemical Release Inventory (Form R) from the US Environmental Protection Agency (see Further Information). All necessary forms, instructions, and the list of reportable substances are included in the package. One Form R must be completed for each reportable substance. For example, if you are a covered facility with four reportable toxic chemicals, you will complete four Form R reports, and that will be your Toxic Chemical Release Inventory for that reporting year. You must complete all applicable sections of the Form R for each of the toxic chemicals, which are reported.

5. WHAT INFORMATION MUST BE REPORTED?

The information reported is an estimate of the release or emissions of the regulated chemicals during a calendar year to the air (fugitive or stack), water (discharges to receiving streams and publicly owned treatment works), on-site land released, off-site transfers for recycling, energy recovery, treatment or disposal, and underground injection. Also, waste treatment methods efficiency, source reduction and recycling information must be reported.

7. WHEN MUST THE TOXIC RELEASE INVENTORY BE COMPLETED?

Reporting is an annual requirement and is due each year on July 1.

8. WHERE SHOULD THE COMPLETED INVENTORY REPORT BE SENT?

The signed original should be sent to the US Environmental Protection Agency in Washington DC at the address given on the form. A photocopy should be sent to NJDEP ATTN: Toxic Release Inventory, P.O. Box 405, Trenton, NJ 08625. Finally, be sure to keep a copy for your files.

9. WHY MUST THIS REPORTING BE DONE?

The federal Superfund Amendments and Reauthorization Act of 1986, Title III Emergency Planning and Community Right to Know Act (42 U.S.C. 11001 et seq.), Section 313 requires covered facility operators to complete an annual Toxic Chemical Release Inventory.

FOR FURTHER INFORMATION ABOUT THIS REQUIREMENT, CONTACT:

Emergency Planning and Community Right to Know Information Call Center
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW (5101)
Washington, DC 20460
(800) 424-9346
From 9:00 a.m.- 5:00 p.m. Eastern Time
(Monday-Friday, except Federal Holidays)

or

U.S. Environmental Protection Agency - Region 2
Pesticides & Toxics Branch (MS 105)
2890 Woodbridge Avenue
Edison, NJ 08837
(732) 906-6890

TO OBTAIN COPIES OF THE REGULATED TOXIC RELEASE CHEMICAL LIST AND RELATED GUIDANCE DOCUMENTS CALL THE ABOVE MENTIONED TELEPHONE NUMBERS OR WRITE:
U.S. Environmental Protection Agency

Ariel Rios Building
1200 Pennsylvania Ave, NW
Attn: TRI Documents
MC: 2844T
Washington, DC 20460

(202) 564-9554

Email: TRIDOCs@epa.gov

Information and documents also available on the Internet at: www.epa.gov/tri

TOXIC CHEMICAL RELEASE REPORTING – NEW JERSEY

1. WHO IS COVERED?

Employers covered under the New Jersey Worker and Community Right to Know Act who complete the federal Toxic Chemical Release Inventory Report (See TOXIC CHEMICAL RELEASE REPORTING- Federal) will have to complete a New Jersey report that asks for additional information.

2. WHAT MUST BE DONE?

Employers who submit a Toxic Chemical Release Inventory Form (Form R) to NJDEP will be sent a Release and Pollution Prevention Report (RPPR) to complete. The employer is required to provide general facility information and chemical specific information about production, throughput, inventory, releases, waste management and pollution prevention. All of this information is reported for the same calendar year as the Toxic Chemical Release Inventory that the employer submitted.

3. HOW SHOULD THIS REQUIREMENT BE COMPLETED?

Employers receive the Release and Pollution Prevention Report from the NJDEP. All the necessary forms, instructions, and the list of reportable substances are included in the package. The first section of the report form, SECTION A – General Facility Information, must only be completed once for each facility location that must report. SECTION B, which chemical specific information, must be completed for each reportable substance. For example, a facility with three reportable substances will complete SECTION A once and do three SECTION B's, one for each substance. Employers are highly encouraged to utilize the Department's on-line reporting utility, eCRTK at www.njdeponline.com.

4. WHAT SUBSTANCES ARE REPORTABLE?

The New Jersey Release and Pollution Prevention Reports have to be completed for all the substances which are reportable on the federal Toxic Chemical Release Inventory that were manufactured, processed, or imported during the previous reporting year at 10,000 pounds, except for Persistent Bioaccumulative Toxins (PBTs), that are reported at lower thresholds.

5. WHEN MUST THE RELEASE AND POLLUTION PREVENTION REPORT BE COMPLETED?

Reporting is an annual requirement and is due on July 1 of each year.

6. WHERE SHOULD THE COMPLETED REPORT BE SENT?

The signed original should be sent to the NJ Department of Environmental Protection at the address given on the form. A photocopy is to be sent to the designated county lead agency and employers should keep a copy for their files. No copies need to be sent to USEPA.

7. WHY MUST THE REPORTING BE DONE?

The New Jersey Worker and Community Right to Know Act (N.J.S.A. 34.A-1 et seq.) and the Pollution Prevention Act requires covered employers to report their environmental releases. Completion of both the Toxic Chemical Release Inventory and the Release and Pollution Prevention Report ensure that an employer meets all federal and state reporting requirements.

FOR FURTHER INFORMATION ABOUT THIS REQUIREMENT OR TO OBTAIN EXAMPLE
COPIES OF THE RELEASE AND POLLUTION PREVENTION REPORT, OR THE
ENVIRONMENTAL HAZARDOUS SUBSTANCE LIST

(please specify what you would like to receive)

CONTACT:

NJ Department of Environmental Protection
Office of Pollution Prevention and Right to Know
22 South Clinton Avenue
P.O. Box 405
Trenton, NJ 08625-0405
(609) 292-6714

or

On the Internet at:

www.state.nj.us/dep/opppc